



Tom Barrett
Mayor, City of Milwaukee

March 16, 2011

Senator Van Wanggaard
Senator Glenn Grothman
Senator Mary Lazich
Senator Spencer Coggs
Senator Bob Wirth
Senator Leah Vukmir

Dear Senators Wanggaard, Vukmir, and Members of the Senate Committee on Labor,
Public Safety and Urban Affairs:

On March 7, Senate Bill 30 was introduced and referred to your committee. The bill strips the right of the City of Milwaukee to include residency in the City as a condition of employment for police officers and firefighters. I firmly believe that residency requirements are an issue of local control, an issue the State Legislature should not interfere with.

Not one of the 15 members of the City's Common Council, nor I, requested this legislation. Our constituents, city residents, are not flooding our offices with emails and phone calls demanding that the Wisconsin State Legislature trample on the principles of local control and destabilize our neighborhoods. The Chief of the Milwaukee Police Department and the Milwaukee Fire Chief have not asked for this legislation. In fact, they oppose this intrusion as well.

Yet suburban legislators, without consultation with City of Milwaukee officials, have moved ahead, deciding that home rule is secondary to special interests.

In the same vain that state legislators often decry the Federal Government meddling in state affairs, I feel that it is unfair and unbelievable for the legislature to meddle in our local affairs.

This bill is attempting to solve a problem that does not exist. One of the arguments often heard when discussing residency requirements is that residency limits a city's ability to recruit qualified candidates. This line of reasoning does not apply to Milwaukee. We have had residency requirements since 1938 and have never had a problem attracting qualified job applicants. In fact, our last recruitment for public safety employees saw

5,711 applicants for the position of firefighter and 3,569 applicants for the position of police officer. These numbers do not constitute a problem.

If there were a problem, the 15 members of the Common Council and I would perform the duties that we were independently elected to do.

Because Senate Bill 30 is specifically targeting Milwaukee, I am requesting that the bill's public hearing be moved to the City of Milwaukee instead of its current scheduled hearing on March 22nd in Madison, thereby giving our citizens the opportunity to voice their opinions on the State's role in defining local conditions for City employment.

I pledge to work with the Senate Committee in any way necessary to ensure a safe, orderly meeting in which all sides of this local issue can be discussed here in Milwaukee. I can be reached at 414-286-6202 to discuss a suitable time and date for this hearing to take place. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Tom Barrett".

Tom Barrett
Mayor

CC: Rep. Kramer
Rep. Kuglitsch
Rep. Honadel
Members of the Common Council

Barrett
3/22/11

City Of Milwaukee All Fire & Police Employees Place of Residence



Barrett
3/22/11

Aldermanic District	Fire and Police	% of all Fire & Police	General City	% of all General City	Total	% of Total
1	73	2.40%	201	5.27%	274	3.99%
2	76	2.49%	225	5.89%	301	4.38%
3	64	2.10%	226	5.92%	290	4.22%
4	48	1.57%	113	2.96%	161	2.35%
5	444	14.57%	384	10.06%	828	12.06%
6	53	1.74%	123	3.22%	176	2.56%
7	75	2.46%	197	5.16%	272	3.96%
8	121	3.97%	128	3.35%	249	3.63%
9	206	6.76%	222	5.82%	428	6.23%
10	218	7.15%	340	8.91%	558	8.13%
11	738	24.21%	532	13.94%	1270	18.50%
12	40	1.31%	44	1.15%	84	1.22%
13	636	20.87%	563	14.75%	1199	17.47%
14	213	6.99%	393	10.30%	606	8.83%
15	43	1.41%	126	3.30%	169	2.46%
	3048	100.00%	3817	100.00%	6865	100.00%

NOTE: The addresses used in this calculation are "self-reported" employee home addresses. The totals represented here are the addresses that exactly matched the master address file or 96% of the total city employee addresses. Fire and Police in this chart include sworn and unsworn MPD and MFD staff.

Data Source: HRMS-2010
Prepared by: DOA/ITMD
Date: 3/15/2011

Barrett
3/22/11

BEFORE THE ARBITRATOR

In the Matter of the Petition of

MILWAUKEE POLICE SUPERVISORS'
ORGANIZATION

To Initiate Arbitration Between
Said Petitioner and

CITY OF MILWAUKEE

Case 546

No. 68813 MIA-2880

Decision No. 32859-A

Appearances:

Rettko Law Offices, S.C., by Mr. William R. Rettko, 15460 West Capitol Drive, Suite 150, Brookfield, Wisconsin 53005-2621, on behalf of the Union.

Office of the Milwaukee City Attorney, Mr. Grant F. Langley, by Mr. Thomas J. Beamish, 800 City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202-3653, on behalf of the Employer.

ARBITRATION AWARD

Milwaukee Police Supervisors' Organization, hereinafter referred to as the Union, and City of Milwaukee, hereinafter referred to as the City or Employer, met in collective bargaining in an effort to reach an accord on the terms of a new collective bargaining agreement to succeed an agreement, which by its terms was to expire on December 31, 2006 said agreement covered supervisory law enforcement personnel employed by the City of Milwaukee and represented by MPSO. Failing to reach such an accord, the Union on April 17, 2009, filed a petition with the Wisconsin Employment Relations Commission (WERC) requesting the latter agency to initiate arbitration pursuant to Section 111.70(4)(jm) of the Municipal Employment Relations Act, and following an investigation conducted in the matter, the WERC after receiving a list of subjects that the parties had reached impasse on, issued an Order, dated August 25, 2009, wherein it

Here, 90% of all City employees, including 88% represented employees, are already under the same health plan as proposed to MPSO. The Union raises issues with the Wellness Program and EPO, but those are the same issues faced by and accepted by all employees.

MPSO's two main arguments why the City's offer should not be accepted by the Arbitrator is that (1) no quid pro quo is offered and (2) since the term of this agreement, 2007-2009, is already passed, the changes sought by the City should be negotiated in the next, 2010-2011 agreement.

With respect to the quid pro quo argument, MPSO makes a good argument that MPA and Local 215 accepted health insurance changes with their wage package increase. They were not asked to accept the changes with the City wage offer presented to MPSO. This argument, however, is now moot because the Arbitrator has awarded the same wage settlement to MPSO as received by MPA and Local 215, MPSO's comparables.

As for the wait and negotiate next time, the parties may likely find themselves in the same position as now; negotiating and not reaching an agreement until well into the term of the agreement. Meanwhile, no changes are made at a time when 90% of the City's employees are already covered.

Based on all of the above, the Arbitrator selects the City's Health Insurance offer as the more reasonable of the two.

Residency

The Union's final offer requests that its members be allowed to buy out of the City's residence requirement by taking a 2% decrease in their base wages, but still being required to live in a radius which includes: Milwaukee County, Ozaukee County, Washington County,

Waukesha County, and Racine County. This encompasses a 25-mile radius which is consistent with the external comparables and the response time required.

The MPSO argues there is compelling reason for a change allowing police supervisors to opt out of the residency requirement. Police personnel are different than all other City employees including firefighters. They have to arrest dangerous persons, career criminals, and in doing so, create dangerous enemies in the process. No other City employee but police officers have criminals track them down at their homes where their families are put at risk.

Moreover, no other City employee but police personnel were issued Varda alarms with their names placed on roll call boards within the Milwaukee Police Department to notify everyone the name of the officer that has been threatened by a criminal so that everyone within the Milwaukee Police Department knows the officer who has been issued a Varda, and that the Varda alarm has been installed in that officer's home. Yet, Varda alarms when triggered send an immediate response to dispatchers so that the threatened officer gets an immediate response to their home. However, a Varda alarm being installed in their home does not assure safety, it only assures that if the alarm gets tripped, the threatened officer would get an almost immediate response to their home by the Milwaukee Police Department.

Additionally, no other City employee has received a memo from their department head like the memo Chief Flynn issued to Milwaukee Police Department members on September 15, 2009. (1/26/10, Seitz, at 368; 1/17/10, Flynn, 498-99; Union Exhibit 50). Yet, due to a rash of crimes against Milwaukee Police Department officer homes, Chief Flynn was forced to notify all Milwaukee Police Department members in his September 15, 2009 memo that they had to safeguard their homes by removing any overt signs inside their homes that a police officer lived there.

Also, no other City employee has to be called to their neighbor's home in a domestic violence call and arrest their neighbor.

As such, the dangers a Milwaukee Police Department sworn member takes by being forced to live in the City is a danger no other City employee is forced to undertake by the residency rule. For the safety of MPSO members, compelling reason exists for the requested change to the residency article.

Furthermore, MPSO argues that it's offer is reasonable.

The externals - Vernon 18, state and suburban - show that few have a complete residency requirement. Those that require a radius, the average radius is 25 miles; the radius from Milwaukee to the counties proposed by the MPSO.

Additionally, in regard to Chief Flynn's concerns about the importance of citizens knowing they are dealing with officers who can relate to their circumstances because they live in the City, the Chief in these proceedings admitted professional officers would be professional no matter where they lived. Further, currently, Milwaukee Police Department does not assign members to work locations based on the neighborhoods they live within.

MPSO contends that its offer is reasonable because it would help the Milwaukee Police Department attract and retain better qualified candidates. Milwaukee Police Department competes with suburban police forces for the same labor pool. Milwaukee Police Department has recently geographically broadened its recruiting search, and in so doing learned that the residence requirement created problems as good candidates did not want to live in the City they policed, and thought Milwaukee was unsafe.

Further, residency is a reason persons leave the Milwaukee Police Department. Several sergeants and ex-MPD officers testified that they left because of quality of life, safety of the

family, and because of the poor public school system in Milwaukee. Their children had to be enrolled in private schools at a considerable expense.

Finally, MPSO argues that it has included an appropriate quid pro quo for opting out of the residency requirement. MPSO's offer that employees must forego 2% in wages for opting out of residency is consistent with West Allis, an external comparable, where law enforcement personnel receive 2% less in wages to live somewhere else.

The City opposes MPSO's offer allowing its members to opt out of the residency requirement.

To begin with, it argues that this is a major policy change which should not be imposed through interest arbitration. This was enunciated by Arbitrator Kessler¹⁵ and by Arbitrator Krinsky who, in the City of St. Francis,¹⁶ found that the residence change sought by the Union should be left to bargaining unless there is compelling reason to order such a change.

Here, the City argues there is no compelling reason to change. The residency requirement has been in effect since 1938, some 70 years. The Union's compelling reasons are primarily financial. It had members testify that City property taxes were high and that the cost of educating their children was high because, due to the quality of education provided by the Milwaukee School system, they had to send their children to private schools. But, the City's residency requirement is no greater or worse for MPSO represented employees than it is for other employees. They have the same options as other City employees including the opportunity

¹⁵ Columbia County (County Home Non-Professionals), Decision No. 28960-A (Kessler, 1997).

¹⁶ City of St. Francis (Police Department), Decision No. 26577-A (Krinsky, 1991).

provided to City employees to be able to apply to up to three suburban public school districts to enroll their children in a school that has available space in the particular grade level sought.

The other main compelling reason offered is that police supervisors arrest people which places them in a position where their safety and their families' is at stake. This can happen because those they have arrested seek them out at their homes or they, by chance, may run into one of them at the grocery store.

The City counters claiming that as police supervisors they seldom make arrests. MPA represented officers are the ones who arrest and they are not exempt from the City's residency requirement. Further, the grocery store scenario is a possibility but the chances are slim.

The same can be said of another reason offered by MPSO. That is, they may be called to a domestic situation with a neighbor and placed in a position where they would have to arrest a next door neighbor. Again, the chances of this are remote and speculative.

With respect to the impact of residency in recruitment and detention, there is no evidence to support the Union's claim that the City is suffering in this area. To the contrary, there are currently more than 4,500 to 5,000 people seeking to join the Milwaukee Police Department. This is 2.6 – 2.8 times the number of applicants the Department received in 2000. It is noted that supervisors are normally promoted from the ranks below.

Lastly, even if there were merit to the Union's position, a sufficient quid pro quo has not been offered. A 2% reduction in base salary of a sergeant at the top step only amounts to approximately \$1,500. This is very little when compared to the approximate \$880 million City employees collectively add to the property base.

As pointed out by both parties, the City's residence requirement was an issue in their last interest arbitration before Arbitrator Greco. Arbitrator Greco did not find that there was a recruitment and retention problem, but even if there were, he found the rule must be retained because MPSO did not offer a quid pro quo and it did not present any compelling reason why some of its members should be exempt from residency. Further, he cited Chief Flynn's testimony that it is good policy for police officers to live in the community they are policing.

Some 70 years ago, the City adopted a policy requiring its employees to "live where you work." It has been in effect continuously since 1938 covering all City employees with no exceptions. Collectively, City employees account for approximately \$800 million in property value.

Needless to say that the internal comparables favor the City's position to retain the residency requirement. All of the 2007-2009 collective bargaining agreements reached by the City with its Unions, including MPA, Local 215 and District Council 48, retain the residency requirement. That being the case, MPSO has the burden of establishing a compelling need for its proposed change to exempt police supervisors from the residency rule.

The Union's compelling reason is primarily two-fold. One, that due to the nature of their job, they and their families are at risk from retribution from criminals that they have arrested. They run the risk of having such criminals track them down at their homes. The other reason is "quality of life." As to the former, there is no question MPSO represented supervisors have a tough and dangerous job. They are at risk by the very nature of their job. But the question in context of this proceeding is whether there is a compelling reason why they should be set apart from all other City employees.

The evidence in this regard is not persuasive. There is no question that the police supervisors have made many arrests as they moved through the ranks. However, as supervisors they do not normally make arrests in the normal course of their work. It is the rank and file police officers and detectives who make arrests on a daily basis. Said officers who number approximately 1,650 and who are far more involved with arrests are not exempted from the residency requirement.

Also, importantly, there is no reason to believe that living outside the City will protect police supervisors and their families from criminals tracking them down to their homes. Criminals can just as easily track someone across City lines as within the City boundaries.

Again, this is not to say this concern is not real because it is, as evidenced by the Chief's memos regarding same. However, the concern does not meet the compelling need test given the frequency that it might occur and the fact that police officers, who face a much greater threat of criminal retribution because they make most of the arrests, are subject to the same residency requirement.

The Union also gave examples of a supervisor being possibly called upon to arrest a neighbor in a domestic violence case and running into a criminal who he/she arrested in a grocery store. Again, situations like this may occur, but infrequently. Most of the unit supervisors may very well go through their career without having to respond to a police call by a neighbor.

The Union's other compelling reason argument for its residency proposal, relates to quality of life. The evidence offered in this regard was primarily that due to the poor public school system in Milwaukee, police supervisors, at considerable expense, must send their children to private schools for a good education. But, this is no different for the police

supervisors than the other City employees. The supervisors' need is no greater than the other 7,000 City employees.

Lastly, there is an important policy reason for maintaining residency which was expounded by Chief Flynn:

I also just get a sense that as we look across the way we conduct law enforcement in this country, I think it's pretty clear that people want to feel on some level they're policed by their own. And I think that's a connection that our officers have with the residents of Milwaukee that's strong, and I think forms some of what I think is some very significant citizen support for the efforts of the Police Department. I think this Police Department is thought well of by its community, and I think the fact they all live here is one reason why people think well of them. They see them in the community. They see them as neighbors. They see them as, you know, fully functioning family people, not just as authority figures.
(Tr. 496).

Based on the above, the Arbitrator concludes that MPSO has not established a compelling reason for exempting the police supervisors from the City-wide residency requirement.

Having considered the statutory criteria, the evidence and arguments presented by the parties, the Arbitrator, based on the above and foregoing discussion, makes and issues the following

AWARD

That the following Award be incorporated into the parties 2007-2009 three-year collective bargaining agreement, along with those provisions agreed upon during their negotiations, as well as those provisions in their expired agreement which they agreed were to remain unchanged.

1. Across-the-board wage increases of 3% for 2007; 3.25% for 2008; and for 2009, a 3% increase, after adding \$100 to pp. 26 2008 rates of pay.
2. The City's proposal relating to direct deposit of pay checks, Article 9.
3. The City's proposal relating to Article 17, health insurance.
4. The City's proposal relating to parking, Article 55.¹⁷
5. The City's Interpreter/Translator Pay; Off-Duty Employment; Political Leaves of Absence; Drug Testing; and Early Intervention Program proposals are determined to be withdrawn.

Dated at Madison, Wisconsin, this 20th day of July, 2010.

Herman Torosian, Arbitrator

¹⁷ As noted earlier in the decision, MPSO indicated at the hearing that it did not oppose the City's parking offer.

Barrett
3/22/11

BEFORE THE ARBITRATOR

In the Matter of the Petition of

MILWAUKEE POLICE SUPERVISORS'
ORGANIZATION

For Binding Arbitration Involving
Law Enforcement Personnel in the Employ of

CITY OF MILWAUKEE

Case 514
No. 64279 MIA-2629
Decision No. 32301-A

Appearances:

Rettko Law Offices, S.C., by Mr. William R. Rettko, on behalf of the Milwaukee Police Supervisors' Organization.

Office of the Milwaukee City Attorney, Mr. Grant F. Langley, by Mr. Thomas J. Beamish, on behalf of the City.

ARBITRATION AWARD

The above-captioned parties, herein "MPSO" and "City," selected the undersigned to issue a final and binding award pursuant to Section 111.70(4)(jm) of the Municipal Employment Relations Act, herein "MERA." A hearing was held in Milwaukee, Wisconsin, on May 12, 13, 15, 16, 27, 28, 29, 30, June 2, 3 and 4, 2008. The hearing was transcribed and the parties subsequently filed briefs and reply briefs that were received by September 6, 2008. Pursuant to the undersigned's request, the parties agreed to extend the time that the Award is to be issued.

Based upon the entire record and the arguments of the parties, I issue the following Award.

7. ARTICLE 64 – RESIDENCY

The City now requires all bargaining unit members (along with almost all other City employees) to reside within the City of Milwaukee (MPSO Exhibit 54 A).

The MPSO requests that members with over 20 years of service be exempted from the City's residency requirement and it proposes the following new language:

ARTICLE 64

RESIDENCY

1. Employees covered by this agreement shall reside in the City of Milwaukee until completion of twenty (20) years of active service as a law enforcement officer in the Milwaukee Police Department.
2. Employees covered by this agreement with at least twenty (20) years of active service as a law enforcement officer in the Milwaukee Police Department shall not be required to reside in the City of Milwaukee.

The MPSO states that its proposal will help retain veteran supervisors and aid recruitment; that some of its members do not want to live within the City because of "quality of life" issues; and that its proposal only affects about 40 employees and that "there will be no huge tax loss to the City for allowing this exemption." It also argues that the City economically benefits from its residency rule because its property tax is increased by about \$880 million dollars and because its property tax rate is lowered by \$1.31 per thousand, and that the City "does not pay its police supervisors a competitive wage" in spite of "this extreme financial benefit . . ."

The City counters that the internal comparables do not support the MPSO's proposal; that residency requirements "are common among larger public sector employers in southeastern Wisconsin"; that the external comparables are "mixed" and hence "should not be the basis for

granting . . ." the proposal; that the MPSO has failed to provide a quid pro quo for such a significant change; and that "The public interest is not advanced by the MPSO's proposal."

The City adds that there "has been no inordinate" number of MPSO members who have retired in recent years because of the residency requirement; that the MPSO's contrary evidence is based on "anecdotal, hearsay testimony," thereby failing to establish that there is a need to change the requirement; and that the MPSO "has offered no rationale as to why any of its members, alone among City employees, should be excepted from the . . . requirement." The City also points out that the MPSO "has not cited a single award . . ." of where an arbitrator under similar circumstances has struck down a residency requirement, thereby showing that there is "broad arbitral authority establishing that major changes of this type should not be imposed through interest arbitration . . ."

DISCUSSION

There is considerable testimony in the record about the residency rule and its effect on recruitment and retention.

Sergeant Richard Kelly, who works in the recruiting unit, testified that its "very difficult" for the City to compete against local police departments in the Milwaukee area because "we're a little bit behind the eight ball because we don't have a lot of bells and whistles . . .," and that residency is "an issue as well." Sergeant Craig Henry, a Field Training Officer, stated "we have a problem retaining the recruits after we have trained them" in part because they do not want to live within the City. Sergeant Thomas Lund, a Field Training Officer, also stated that the City was having difficulty in retaining recruits because of quality of life issues.

City of Franklin Chief of Police Olivia testified that he retired in part because of the City's residency rule, and that six members of the City of Franklin's Police Department left the

Milwaukee Police Department in part because of the City's residency rule. Other witnesses also stated that retirees left the department for a number of reasons, one of which centered on the City's residency rule.

The fact that the residency rule has some effect on recruitment and retention must be weighed alongside the fact that recruitment has held constant between 1994 when 1,773 individuals applied for employment and when there were 620 individuals on the eligible list, to 2005 when 1,887 individuals applied for employment and when there were 1,146 individuals on the eligible list (City Exhibit 111). Furthermore, while the MPSO points out that only 58% of all retirees since 2001 still live in the City (MPSO Exhibit 75), it is not necessarily true that this represents a serious "retention problem" since retirees regularly retire and move for all kinds of reasons – e.g., better weather; to get another job; to be closer to relatives and grandchildren, etc.

But even if the residency rule seriously impedes recruitment and/or retention, there are several countervailing factors as to why the rule must be retained.⁴¹

For starters, the MPSO has not offered a quid pro quo in exchange for its proposal which would be a great benefit to some of its members.⁴² For while MPSO President Klusman testified that the MPSO moderated its wage demands and agreed to pay higher health insurance costs in negotiations as a quid pro quo for this proposal, I find that did not represent a sufficient quid pro quo. Furthermore, Lieutenant Konrad Ellenberger, MPSO's current secretary and

⁴¹ About half of the suburban comparables have some form of residency requirement requiring employees to live within certain geographic distances from where they work, as do about 8 of the state comparables and about 6 of the national comparables (MPSO Exhibit 52-A). The external comparables therefore are mixed and do not favor either party.

⁴² By contrast, law enforcement personnel in West Allis receive 2% less in wages to live somewhere else, thereby establishing that that 2% represents the quid pro quo for opting out of the West Allis residency requirement.

former president, stated that the MPSO never offered any express quid pro quo in negotiations because it expected the City might "come back with what they believe to be a proper quid pro quo . . .," but that the City never did so.

Secondly, the MPSO has not presented any compelling reason why some of its members should receive special treatment by exempting them from the City's residency requirement. For if it is true, as the poet John Donne once wrote, that "No man is an island, entire of itself" and that each is "a piece of the continent, a part of the main," it also is true that a residency rule must cover all of an employer's employees when, as here, there is no valid basis for doing otherwise.

It therefore would be incongruous to modify the City's residency rule - which has been in effect since 1938 and which covers about 7,314 City employees (City Exhibits 57-58) - for only one union when other employees are covered by it.

Furthermore, there is an added reason for having a residency rule for law enforcement personnel in large metropolitan areas as Chief Flynn explained:

We have an ongoing struggle as every urban police department does to maintain our credibility in all the communities we police. I think we've got to be careful not to create this climate or notion that we are outsiders invading neighborhoods and then going off to our safe retreats with no empathy for those whom we're policing.

To the extent that we share boundaries of the city with them lends a certain credibility . . . based on the fact that at some base level the reason we have a police system in the country we have, which is so much more fragmented than any other countries is because of the strong sense that people want to be policed by their own.

Based upon all of these latter considerations, I conclude that the MPSO's proposal must be rejected.

In light of the above, I therefore issue the following

AWARD

1. The MPSO's across-the-board wage increases of 3.2% for 2004; 3.4% for 2005; and 3.3% for 2006 shall be included within the new agreement.
2. The MPSO's proposal to add a seventh sergeant's step shall not be included within the new agreement.
3. The MPSO's proposal relating to Article 10, Special Duty Pay, shall be included within the new agreement.
4. The MPSO's proposal relating to Article 15, Pension Benefits, shall not be included within the new agreement.
5. The MPSO's proposal relating to Article 49, Variable Shift Assignment Pay, shall not be included within the new agreement.
6. The MPSO's proposal relating to Article 58, Certification Pay, shall not be included within the new agreement.
7. The MPSO's proposal relating to Article 61, Promotional Program, as modified herein on pages 57-58 above, shall be included within the new agreement.
8. The MPSO's proposal relating to Article 64, Residency, shall not be included within the new agreement.
9. The agreed-upon items referenced in the parties' June 10, 2008, letter shall be included within the new agreement.

Dated at Madison, Wisconsin, this 28th day of November, 2008.

Amedeo Greco /s/

Amedeo Greco, Arbitrator

RESIDENCY REQUIREMENTS SURVEY TABLE

City	Residency Requirement		% Outside City Limits	Comments
Baltimore, MD	NO	Repealed 1995	60%	Preference given to city residents for certain city jobs.
Boston, MA*	YES		N/A	<ul style="list-style-type: none"> • Must be a resident of Boston on the first day of employment. Certain unions exempt through collective bargaining agreements. (police and fire must be residents). • Boston Residency Requirement http://www.cityofboston.gov/ohr/residency.asp
Chicago, IL	YES	Est. 1919	N/A	The ordinance was not strictly enforced until 1976. An employee must be a resident of the City of Chicago at the time of hire. If an employee is coming from out of state, a short grace period is allowed.
Cincinnati, OH**	NO	Repealed 2009	TBD	<ul style="list-style-type: none"> • 3/9/2011 – No Response. • 3/16/2011 – No response – left voice mail, urgent request for information.. • Sworn members of police and fire departments who are deemed emergency responders must reside in adjacent counties to ensure adequate response times to emergencies and disasters. In the case of Cincinnati, these counties are: Hamilton, Butler, Warren or Clermont Counties.
Cleveland, OH**	NO	Repealed 2009	TBD	<ul style="list-style-type: none"> • 3/9/2011 – Cleveland Contact in the process of compiling data. • 3/16/2011 – Left a follow-up voice mail requesting data.
Detroit, MI	NO	Repealed 1999	45%	Preference given to city residents, 15 domicile credit points on city job applications.
Minneapolis, MN	NO	Repealed 1999	70%	You do not have to be a resident to apply for a position with the City of Minneapolis; anyone who meets the requirements for a position can complete an employment application and submit it for consideration. (The only exception is Firefighter, which requires that applicants be residents.)
New Orleans, LA*	YES		N/A	
Philadelphia, PA*	YES	Est. 1953	N/A	<ul style="list-style-type: none"> • Employees must establish residence within 6 months of appointment. U.S. Supreme Court • McCarthy v. Philadelphia Civil Svc. Comm'n, 424 U.S. 645 (1976) No. 75-783; Decided March 22, 1976; 424 U.S. 645 - Syllabus: Philadelphia municipal regulation requiring city employees to be residents of the city held to be constitutional as a bona fide continuing residence requirement and not to violate the right of interstate travel of appellant, whose employment as a city fireman was terminated under the regulation because he moved his residence from Philadelphia to New Jersey. 19 Pa. Commw. 383, 339 A.2d 634, affirmed. http://supreme.justia.com/us/424/645/
Pittsburgh, PA	YES		N/A	<ul style="list-style-type: none"> • Residency Verification http://www.city.pittsburgh.pa.us/personnel/html/residency_verification.html • In addition, State law requires Pittsburgh police to live within Pittsburgh.
St. Louis, MO	YES – Fire & Police Excluded	Est. 1942		<ul style="list-style-type: none"> • Exclusions: Fire & police only. • 75% of fire & police live outside of city.
Toledo, OH**	NO	Repealed 2009	24%	
Washington, D.C.	YES – Excepted & Executive Services only.	Est. 1999	57%	An appointee to Excepted Service and Executive Service employees must reside within the District of Columbia. Excepted Service includes attorneys appointed to SEAS, Mayor, policy/confidential positions. Executive Service employees are subordinate agency heads.

*City and county governments are combined.

**Lima v. State, Slip Opinion No. 2009-Ohio-2597, Ohio Supreme Court ruled 5-2, on June 10, 2009, that a 2006 state law preventing local government residency requirements overrides the home rule powers of municipalities.

(Source: http://www.sconet.state.oh.us/PIO/summaries/2009/0610/080128_080418.asp)

Excerpted remarks from Chief Edward A. Flynn, as printed in the March 19, 2011 Milwaukee Journal Sentinel

I have over 40 years of governmental experience in four states. I offer a perspective that is not necessarily available to those in the midst of this debate. Too much of that debate has been dogmatic assertion and dogmatic denial. What we really need in the governing process is a little more practical wisdom and a little more skepticism about simple answers to complex problems. It is my hope that if I can point out some things that I have learned through my experience that some of these discussions might move in a more positive direction. No state has ever led itself out of a recession by facilitating the decline of its major city.

It is easy to understand why any city worker is attracted to the suburbs particularly given that so many of them are paying tuition to school their children. But this is a benefit not without negative consequences. It has a dramatic impact in the long term on the economic and social life of the city. It doesn't happen all at once, but gradually and inexorably as a critical mass of middle class city workers and their families leave the city. Those that can sell their houses, do. But the value of those houses decreases as the potential market for those houses decreases. Those unable to sell their houses take the equity as a down payment and rent their homes, destabilizing the neighborhood.

The officers who move soon find they are strangers in two communities. Gradually, an important connection between the police and those whom they police is lost. I am proud to be able to say at a community meeting, "My officers share your burdens and concerns as they share a great responsibility for the city." I don't believe the level of professionalism will decline, but the bonds of trust and legitimacy with the people who are being policed will be frayed. Viable cities are the result of a very delicate balance of economic and social diversity. Sudden disruptions in that balance have historically had negative consequences. When I was a police officer in Jersey City, state law released firefighters, teachers and police officers from the residency requirement. I saw firsthand what happened to Newark, Jersey City, Paterson, Trenton and Camden when these workers left their cities. None benefited from the loss of this critical part of their middle class. Most of these cities have never recovered. The same sad scenario has played out across the nation in other old industrial cities such as Buffalo, Baltimore, St. Louis, Cincinnati and Detroit.



Legislation Text

File #: 101310, Version: 1

Number

101310

Version

SUBSTITUTE 1

Reference

Sponsor

ALD. HINES, HAMILTON, WITKOWSKI, MURPHY, DAVIS, WITKOWIAK, BAUMAN, WADE, ZIELINSKI, COGGS, KOVAC, PUENTE, BOHL, AND DUDZIK

Title

Substitute resolution expressing the City of Milwaukee's support for maintaining local control over residency rules.

Analysis

This resolution expresses the City of Milwaukee's support for maintaining local control over employee residency rules. The resolution also directs the Intergovernmental Relations Division - Department of Administration to lobby for maintaining such control and the City's authority to establish residency requirements for its employees, and urges all state legislators to support current municipal residency requirements.

Body

Whereas, Under home rule granted to cities under the Wisconsin State Constitution and State Statutes, cities have the authority to govern themselves in local matters; and

Whereas, Local governments and school districts throughout the state are currently able to evaluate their own unique circumstances and concerns as they decide whether to require their employees to reside within municipal or district boundaries; and

Whereas, The issue of local residency is not a matter of state-wide concern but is instead clearly a local question that should be determined by local governments that are directly accountable to local voters; and

Whereas, Generally, residency requirements have been upheld and deemed to be constitutional by federal courts, provided the employing jurisdiction has demonstrated a "rational basis" for these provisions, with the "rational" interests including such things as employee availability for emergency calls, employees having a stake in the community for which they work, enhancing the tax base, improving community attitudes and cooperation, increasing loyalty to the community, etc.; and

Whereas, The City of Milwaukee has had a residency requirement for its employees since October 10, 1938, and this practice has not impeded the City's efforts to attract quality applicants for City employment; and

Whereas, In 2010, the City received 5,922 applications for general City employment from applicants,

82% of whom were already City residents; and

Whereas, In the City's most recent recruitment, the City received 5,711 applications for the position of Firefighter and 3,569 applications for the position of Police Officer; and

Whereas, The City Service Commission grants temporary residency waivers for hardship and has approved all 106 waiver requests over the past 10 years; and

Whereas, The Fire and Police Commission also accepts requests for temporary residency waivers and has approved 23 out of 25 such requests over the past 5 years; and

Whereas, Since 1997, the City has implemented a hardship waiver of the residency requirement for employees whose spouses are subject to residency requirements in other jurisdictions; and

Whereas, The Department of Public Works must be able to mobilize its staff in a timely manner to respond to winter weather events that jeopardize public safety; and

Whereas, Minimizing the City's response time is critical to reducing personal injury, property damage and adverse economic and financial impact; and

Whereas, It currently takes 2.5 to 3 hours for all 90 of the City's first responder salt truck drivers to report, load and be dispatched to their routes; and

Whereas, The Blizzard of 2011 on February 2, 2011, produced 20 inches of snow and 44 mph winds and required Department of Public Works plow drivers to take their trucks home in order to safely get back onto the streets during the storm; and

Whereas, Concerns regarding response time also apply to protective services staff needed for emergencies or homeland security events; and

Whereas, Having police and fire department personnel live in the City provides them with better knowledge of the challenges facing the City, increased understanding of neighborhoods and enhanced relationships with residents; and

Whereas, Residency requirements encourage City employees to provide better results for residents since City employees are interested in the success of City services; and

Whereas, Employees who live within City boundaries make innumerable contributions to the City's economy, culture and community-contributions that would vanish if the employees lived elsewhere; and

Whereas, The financial impacts of the out-migration of public employees on the City of Milwaukee would include depressed residential and commercial property values which would in turn erode the years of investment that City residents have made in their homes and businesses; and

Whereas, Over time the reduction in property values would likely decrease Milwaukee property tax receipts, diminishing the ability of the City to provide services and continue to pay family-supporting wages to the very City employees whose residency requirements are affected; and

Whereas, The current system, under which local governments evaluate local considerations in order to determine whether to establish local residency requirements, is the most appropriate way for local governmental policy to be established; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council expresses support for maintaining local control over employee residency rules; and, be it

Further Resolved, That the Common Council expresses its grave concern about the devastating impacts that the elimination of such control could have on the City of Milwaukee, its homeowners and businesses; and, be it

Further Resolved, That the Intergovernmental Relations Division - Department of Administration is directed to lobby in support of maintaining local control over residency rules and the City's authority to establish residency requirements for its employees, and urges all state legislators to support current municipal residency requirements.

Requestor

Drafter

LRB125316-2

Teodros W. Medhin/lp

2/28/2011

Clerical correction made -- jro -- 03/09/11



Van H. Wanggaard

Wisconsin State Senator

Testimony in Support of Senate Bill 30

Members of the Committee on Labor, Public Safety, and Urban Affairs:

Thank you for the opportunity to testify today in favor of Senate Bill 30, which repeals the requirement that Milwaukee police officers and fire fighters reside in the City of Milwaukee. As a retired police officer from the City of Racine, I am pleased to provide a law enforcement perspective in favor of this proposal.

As some of you may know, the City of Racine had a residency requirement for Racine law enforcement. The requirement stated that sworn officers with the Racine Police Department needed to reside within the Racine Unified School District.

Regrettably, it took a Wisconsin Supreme Court case to overturn this law more than a decade ago. Today, fire and police chiefs in Racine are the only public safety personnel required to reside in the city.

When the residency requirement was removed, there were some individuals within the city that worried about the effect this change would have on the community. Some were concerned that Racine Police Officers, with less of a stake in the community, would be unfair to city residents in their enforcement of the law. However, this has simply not been the case.

I will readily admit the following: When the residency law was repealed, a few officers chose to live outside the Racine Unified School District, but most continued to live in the area of prior residency. In fact, I continue to reside in the same home on the west side of Racine today.

In addition, even after the residency requirement was removed, I continued to work closely with my colleagues on the force and my partners in the community, the citizens of Racine. Simply put, if you are committed to the community you serve, your physical location does not alter that commitment.

Many individuals here today will speak of the "cost" of repealing this requirement. My question to them is simple: What is the cost of keeping it? What is the cost of continuing to require police officers and firefighters to choose between their jobs and what may be best for their family? What is the cost of losing well-trained officers who choose to retire instead of staying on the force for several extra years?

Thank you for your consideration.

Serving Racine County - Senate District 21



Sherman Park Community Association

Residents Committed to our Diverse Urban Community

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March 21, 2011

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EXECUTIVE DIRECTOR

Fred Curzan

I am writing in behalf of the Sherman Park Community Association (SPCA), a neighborhood consisting of 38,000 residents and 15,000 households. SPCA is a membership organization and has represented residents, businesses and institutions in Milwaukee's Sherman Park neighborhood for the past 40 years. **SPCA opposes SB 30** and any changes in the City of Milwaukee residency requirements.

We oppose these changes for the following reasons:

- This decision on hiring practices is the business of and should be made by local city authorities and not dictated by the state.
- City employees are paid with taxpayer dollars. Residency requirements insure that those tax dollars stay in Milwaukee and help relieve the burden on fellow taxpayers.
- It is a stabilizing factor for the city and highly qualified candidates can be found to fill fire, police or teaching positions. In fact, we have had literally thousands of applicants for less than 200 police and fire positions.
- There is job security to a city job (the city will not move or close up). For that security it is not too much to require the commitment to live in the city and contribute with property taxes and social investment.
- If tax dollars are supporting employee's salaries, they need to support Milwaukee by living here and caring for properties, neighbors and communities.
- Need for strong relationships with Police and Fire, and the community. When Police and Fire employees live in the community it enhances this relationship.
- Milwaukee has great neighborhoods for people to live in.
- Other cities that have done away with residency requirements have seen city employee's move out of the city, helping to erode the city's tax base and diversity.
- Forty years ago, SPCA fought blockbusting which attempted to divide our neighborhood and city along ethnic, economic and social lines. Changes in the residency rule threaten to do the same.

Again, SPCA opposes the changes of SB 30 in the City of Milwaukee residency requirements.

Sincerely

A handwritten signature in black ink, appearing to read "Barry Givens", with a stylized flourish extending to the right.

Barry Givens
President

Sherman Park Community Association

c.c. State Senator Coggs
State Senator Lazich
State Senator Grothman
State Senator Wirch
Craig Summerfield

March 22, 2011

Good morning Senator Wanggaard and members of the Committee on Labor, Public Safety, and Urban Affairs.

My name is Mike Grzesiak and I want to thank you for allowing me the opportunity to testify before you today in favor of Senate Bill 30² legislation that will change residency requirements for police officers and fire fighters. I am employed by the City of Milwaukee as a water treatment plant operator, and my duty is to provide safe drinking water to Milwaukee and fifteen surrounding communities. Like public safety employees, I am required to live in of the city of Milwaukee. I am here today to request that you amend Senate Bill 30 to include all city employees. Please allow me to explain my situation.

My fiancée and I are from Milwaukee, but in October 2009 ^{my fiancée} she moved to Washington, D.C. because it was the only place she could find employment as a biologist. There are very few jobs in her branch of biology in Milwaukee, but there ^{currently} are positions in Madison and she is accepting a job here. Now that we will have careers in the same geographic region, we want to live in-between our cities of employment so she can avoid daily commute of more than three hours.

I inquired with the city to see if it was possible to get a waiver on the residency requirement or pay a yearly penalty to move. I was informed that a "Finding of Necessity," waiver is ~~only~~ available for newly hired employees who have been unable to move into Milwaukee during the six month deadline. Permanent waivers are not made for people with a situation like ours. ~~Still, many employees lie and rent an inexpensive apartment to have a city address while maintaining a residence outside the city.~~

The residency rule was created before the interstate highway system, during a time in history when 90% of women stayed at home, but today life is more complicated. Today we live in a very mobile and fast-paced society where competition for jobs is fierce. Obtaining jobs near the same city may never happen. ^{by the by, D.C. is in the States,} I applied to 44 positions in D.C. without luck. I also applied to many in Wisconsin and was offered a job in Oshkosh, but it was before my fiancée found the Madison job, and we decided it would be difficult for her to find work there. Opponents of Senate Bill 30 may not be recognizing this modern reality.

City leaders have argued with hyperbole that ratifying this bill will "turn Milwaukee into Detroit." But Detroit did not become what it is today because it lifted its residency rule. ~~Neither is Milwaukee the city it is today because of the residency rule.~~ There are 600,000 people in Milwaukee and 2% work for the city. I do not believe the suggestion that this small minority is the only thing holding the city together.

The city leaders supporting the residency requirement in Milwaukee earn a salary which allows them to afford to reside in the safest, most desirable areas. Yesterday the Milwaukee Journal-Sentinel published an opinion letter in support of the residency rule signed by three city managers. Of the three authors, the police chief earned \$150,000, the ^{fire} chief's predecessor earned \$159,000, and the director of the fire and police commission earned \$141,000. The Mayor earned \$145,000, and there is no doubt it is easier to say Milwaukee is a good place to live from ^{his} an affluent neighborhood in a \$400,000 home.

^{for him} If these individuals experienced the same quality of life issues as the typical city resident, they may not be as vociferously opposed to this bill. The typical public works employee earns 1/3 of their pay and has a lower quality of life. Many city workers cannot afford the ~~same~~ luxury of picking and choosing the desirable areas, or the cost of private education for their children.

In conclusion, I am asking you today to grant all city employees the freedom to choose to live where they want without sacrificing their job. The city refuses to work with people in a unique situation, even if they are willing to take a pay cut. It has always refused to negotiate the rule with labor unions. I am thankful for what Milwaukee provides me, and living elsewhere will not weaken my commitment to the taxpayers. The time has come for the state legislature to take action to repeal this old-fashioned rule.

Thank you,

Mike Grzesiak
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Milwaukee, WI 53221



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800/991-5502
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E-mail: league@lwm-info.org
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To: Senate Committee on Labor, Public Safety, and Urban Affairs
From: Curt Witynski, Assistant Director, League of Wisconsin Municipalities
Date: March 22, 2011
Re: SB 30, Limiting City of Milwaukee's Powers to Impose Residency Requirements on
Police Officers and Fire Fighters

The League of Wisconsin Municipalities, on behalf of its 592 city and village members, opposes SB 30 as an unnecessary infringement on municipal powers to impose residency requirements on employees. One of the League's core guiding principles is preserving local control. We oppose legislation preempting or reducing any municipality's ability to make decisions about issues that are primarily of local concern. Municipal work rules and conditions of employment clearly qualify as a fundamental matter of local control, in which the state should not interfere.

We urge you to vote against recommending passage of SB 30. Thanks for considering our comments.



Milwaukee Professional

FIRE FIGHTERS' ASSOCIATION *Local 215*

5625 W. Wisconsin Ave., Milwaukee, Wisconsin 53213-4287

Telephone: (414) 259-8000

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Secretary

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Treasurer

STEVEN J. BUKOWSKI

March 16, 2011

Dear member of the Wisconsin State Legislature:

I would first like to take this opportunity to reach out to every single member of the Wisconsin State Legislature and extend my personal appreciation in considering Senate Bill 30. This appreciation extends even further to the members of the Milwaukee Professional Fire Fighters Association. I fully anticipate testifying at the committee level scheduled for March 22nd in favor of this legislation.

I certainly understand and appreciate the level of scrutiny that this bill has generated at the local level. Hence, the reason for my correspondence to each and every senator and assembly person to address some, if not all, of the rhetoric that has been generated since the introduction of this bill.

I would first like to speak directly to the legislation itself. The language is very clear, in this case, addressing "police and fire fighters of a first class city." As indicated in the legislation, the City of Milwaukee is currently the only first class city in the state. However, it is my sincere hope and desire that Wisconsin, now "open for business," attracts and retains a massive introduction of new residents. It is very important that we not forget that there is the very real potential that this will be the case. Therefore, the legislation would encase any other "first class cities" in the future. Cities such as Madison, Waukesha, and Green Bay may in fact realize this designation. It is this mindset that is going to push the State of Wisconsin forward and contend for business and industry as well as population. This legislation was certainly not introduced to "target" the City of Milwaukee specifically. However, it is very clear that the City of Milwaukee is currently the ONLY city that has a residency restriction as strict as Milwaukee, therefore the legislation.

As the President of the Milwaukee Professional Fire Fighters Association I am the sole contract administrator. Our contract is 117 pages long and I know it backwards and forwards. I want to be perfectly clear, nowhere in the contract is residency even mentioned, much less agreed upon between our organization and the City of Milwaukee. It is a condition of employment that we are subject to through the Fire and Police Commission. Despite some of the accusations recently by our elected officials that it is a contractual item, it is simply not the case. We, along with the Milwaukee Police Association and the Milwaukee Police Supervisors Organization have consistently attempted to negotiate residency. We have done so in good faith and have even offered concessions on behalf of our memberships that would have saved the city millions of dollars, literally. Time after time we have been told that it is a "non starter." In fact, as recently as February 28th of this year as I sat across from the labor negotiator for the city and requested that we negotiate residency yet again, he flat out refused to discuss the issue and, quite frankly, challenged me to legislate it through Madison.

There has been dialogue regarding that some of the sponsors of the legislation are attempting to "siphon" the tax base of the City of Milwaukee. To be perfectly honest with all of the elected officials performing their duties in the capitol, this is simply not the case. There is not one single firefighter that has the means to purchase a residence outside the City of Milwaukee in the proposed legislation without selling the home they previously owned in the City of Milwaukee. This is preposterous to assume otherwise and is nothing more than political rhetoric to fuel the flames in the court of public opinion. There assumption that there would be a "mass exodus" from the city is even more disingenuous. I have personally researched my records of every single fire department employee who has retired from the Milwaukee Fire Department. In total, we have 750 retirees. Of those 750 retirees, 416 of them STILL live in the City of Milwaukee. They ALL have the freedom and liberty to choose where they want to live in retirement. 55% of all the retirees CHOOSE to live in Milwaukee. Of the 750 retirees, 80% of them live in the counties identified in the legislation. To buy into the philosophy that we would all board up our homes and leave is pure negligence. Furthermore, the recent census was just published for the city of Milwaukee. We now have just over 594,000 citizens living in the city of Milwaukee. This legislation impacts fewer than 3,000 people. Hardly reason for panic.

This leads me into another facet of the argument that is pure fact. The City Comptroller, Wally Morics, publishes the Comprehensive Annual Financial Report. This report is mandated by rule 34 of GASB. It gives a detailed description of the city and its' finances. Mr. Morics indicates almost annually since 2000 that the "city remains in good financial condition." Nowhere in the report does it indicate that the city "remains in good financial condition" because fire fighters and police officers reside in Milwaukee. Not even once. In fact, the City of Milwaukee is such a great city that tourism in Milwaukee is on a serious up tick. For example, in the 2009 report for the year 2008, Mr. Morics points out that tourism in Milwaukee brought in 2.6 billion dollars. This was a 3.3% increase from the previous year. If you will recall, 2008 was the most disastrous economic downturn since the Great Depression. Yet Milwaukee was able to attract additional dollars above the previous year of 2007 which may have been one of the most prolific economic years in the history of the United States.

Furthermore, the concept of the elected officials in the City of Milwaukee that having police and fire living in the city in the event of catastrophes or massive fires is simply archaic and has no merit. I would like to direct all of you to Chapter 166 of the Wisconsin Statutes. This chapter references emergency management. This chapter was put into statute following the introduction of Wisconsin Act 257 from 2005. This chapter is very clear in it's' declaration. It is "to prepare the state and its subdivisions to cope with emergencies resulting from enemy action and natural or man-made disasters, it is declared to be necessary to establish an organization for emergency management." To be clearer, after this went into law, the "Mutual Aid Box Alarm System," more commonly referred to as MABAS, was created. The City of Milwaukee is a partner in this system and a division unto themselves, division 109. Prior to the MABAS, anytime Milwaukee experienced a massive incident, personnel were "recalled" to duty to staff empty firehouses and spare apparatus to fill in the gaps in the city as resources were drained to address the incident at hand. With the implementation of the MABAS, it affords the city the capacity to call on other municipalities to render "mutual aid" in these events and is obviously reciprocated by Milwaukee to the other municipalities as well. If you can recall, the Patrick Cudahy fire in July 2009, the MABAS was implemented when Milwaukee Fire responded to that massive fire. In January of 2010, MABAS was implemented for the "Pizza Man" fire where 9 suburban communities staffed empty firehouses in Milwaukee for a number of hours. The Common Council of

Milwaukee adopted a resolution in July of 2006 in support of MABAS. (Legislative File Number 060490). The argument that elected officials use in this regard has no merit because of the MABAS agreement enacted in 2006.

For the past several weeks since the legislation has been introduced, the mayor as well as some of the aldermen have been referencing the City of Detroit and the struggles they are having. I personally find the situation in Detroit is difficult but certainly not directly related. The City of Detroit has struggled significantly because of the auto industry or the lack thereof. It is certainly NOT because police and fire fighters are not living there. In fact, the elected officials of Milwaukee always reference Detroit. We do live in the United States of America and it is full of fire departments across the country. They only reference Detroit because of their plight and use it to their advantage in claiming that Milwaukee would ultimately find themselves in the same situation as Detroit. I would prefer to point out to ALL the legislators in Madison that Milwaukee is the last standing large municipal fire department that still maintains such a strict residency requirement. The City of Boston has a residency requirement but is subsequently lifted after 10 years of service with the fire department. All the larger municipal fire departments in the country no longer have a residency restriction.

Some aldermen are quick to point out that there were over 5,700 applicants for the position of firefighter in Milwaukee. I would argue that you may have more if the residency restriction were lifted. There has been dialogue regarding the fact that the diversification of the Milwaukee Fire Department does not reflect that of the constituents in which we serve. That is, in fact, the only true statement that the elected officials have uttered. I would argue that if the residency restriction were lifted, the potential for diversification would INCREASE. The reason for my optimism in this deficiency is the Fire and Police Commission instituted an award several years ago. When applying for the position of fire fighter for the City of Milwaukee the commission awards applicants 5 points towards their final score if they reside in the City of Milwaukee. The fact of the matter is that this legislation has the potential to have another positive impact other than its' original intent.

Another talking point for Milwaukee aldermen and the mayor is the idea of "home rule." If you have the time, please reference the state of Ohio and the Supreme Court decision regarding home rule in the case of Lima County vs. Ohio.

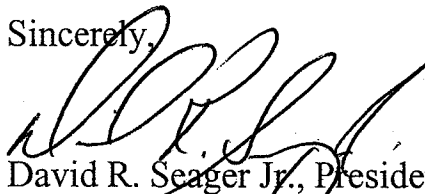
This very same situation arose in Ohio in 2006 and took over 3 years for a decision in 2009. It revolved around their Senate Bill 82. Senate Bill 82 was very similar to that of Senate Bill 30. It allowed municipal employees to reside in the county of the city in which they were employed and the adjacent counties to Lima County. In June of 2009, the Ohio Supreme Court ruled against home rule and allowed Senate Bill 82 to become law.

Lastly, and probably most importantly, I would like to give you my personal opinion regarding this legislation. On an individual basis, I love the City of Milwaukee. My wife and I decided to purchase land in the city and build a home in Milwaukee. I would not leave now or in the future when this legislation is made law. I live some two blocks away from Assemblyman Kessler. I love my neighborhood and I love my neighbors and I would not want to live anywhere else. I have lived in Milwaukee for over 35 years and have no plans on moving. My extended family also lives in Milwaukee and does not plan on moving at all if their police and firefighter neighbors made the choice to move. My point is very simple and does not go beyond just that. This legislation is about having the LIBERTY and FREEDOM to CHOOSE. Nothing more, nothing less. It is absolutely imperative that it is not taken beyond that. There have been some Milwaukee Aldermen that have indicated that if we want to live outside the city then we DO have a choice, QUIT!!! Ladies and gentlemen of the state legislature, is this a responsible retort? The men and women of my organization are dedicated professionals. When we ALL decided to become firefighters, we knew we would spend a career in saving lives. There is a certain quality in each and every single one of us. It is a drive to serve our fellow man. To aid and assist those that cannot help themselves. The arduous journey to become a Milwaukee Fire Fighter is rewarding to say the least. I can guarantee each and every single one of you that when this legislation is made law, not even ONE of my members will ever back down from a challenging situation. They will NEVER run from an emergency when called upon. Each and every single one of our members is dedicated to the safety and well being of the citizens of Milwaukee because we took an oath to do so. No matter the situation, circumstance, disaster or catastrophe the Milwaukee Fire Fighters are there to answer that call. The courage, integrity and honor that each one of us possesses are on display every single minute of every single day of every single year, regardless of where we live. To assume otherwise is disgraceful and unprofessional. One alderman actually had the audacity to comment to me,

"you will lose all your power and influence in the City of Milwaukee." I did not even respond to that comment. However, I will respond to it to all of you. I am the President of the Milwaukee Professional Fire Fighters and I take that very seriously. It is not about me or the ability to be influential. In fact, residency has been in tact for 81 years. For the last seven of those years, we have been SO influential that the Mayor and Common Council have widdled away at our staffing levels totaling 203 front line firefighters. Our membership is doing considerably more with considerably less. Yet through it all, we STILL get the job done and done WELL. We have so much political influence that in last years budget cycle, this same alderman that uttered such filth, that he proposed an amendment to the fire department budget to reduce it by \$68 because he didn't feel we should be using a "gold leaf" sticker. Our organization does not exist for power or influence. We exist to improve for our membership, our firefighters. This legislation, again, is simply about the LIBERTY AND FREEDOM TO CHOOSE. Plainly and simply.

In closing, Governor Walker has always supported the repeal of residency. He supported it when he was elected to the assembly. He supported the repeal during his eight years as the county executive. And as Governor of the finest state in the union, he supports the repeal of residency to afford citizens the liberty and freedom to make the choice for the good of their family. I fully support the repeal of the residency restriction for all first class cities. I would encourage all state legislators to support Senate Bill 30 and follow it through until Governor Walker signs it into law.

Sincerely,



David R. Seager Jr., President

Milwaukee Prof Fire Fighters Assn.

Local 215, IAFF, AFL-CIO CLC

DRS/amz opeiu #9